

As Introduced

133rd General Assembly

Regular Session

H. B. No. 294

2019-2020

Representatives Denson, Miller, A.

A BILL

To amend section 3313.666 of the Revised Code to
modify the definition of school harassment,
intimidation, or bullying.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3313.666 of the Revised Code be
amended to read as follows:

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Sec. 3313.666. (A) As used in this section:

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(1) "Electronic act" means an act committed through the
use of a cellular telephone, computer, pager, personal
communication device, or other electronic communication device.

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(2) "Harassment, intimidation, or bullying" means either
of the following:

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(a) Any intentional written, verbal, electronic, or
physical act that a student has exhibited toward another
particular student more than once and the behavior ~~both~~ either:

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(i) Causes mental or physical harm to the other student;
(ii) Is sufficiently severe, persistent, or pervasive that
it creates an intimidating, threatening, or abusive educational

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environment for the other student.	18
(b) Violence within a dating relationship.	19
(B) The board of education of each city, local, exempted village, and joint vocational school district shall establish a policy prohibiting harassment, intimidation, or bullying. The policy shall be developed in consultation with parents, school employees, school volunteers, students, and community members. The policy shall include the following:	20 21 22 23 24 25
(1) A statement prohibiting harassment, intimidation, or bullying of any student on school property, on a school bus, or at school-sponsored events and expressly providing for the possibility of suspension of a student found responsible for harassment, intimidation, or bullying by an electronic act;	26 27 28 29 30
(2) A definition of harassment, intimidation, or bullying that includes the definition in division (A) of this section;	31 32
(3) A procedure for reporting prohibited incidents;	33
(4) A requirement that school personnel report prohibited incidents of which they are aware to the school principal or other administrator designated by the principal;	34 35 36
(5) A requirement that the custodial parent or guardian of any student involved in a prohibited incident be notified and, to the extent permitted by section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, have access to any written reports pertaining to the prohibited incident;	37 38 39 40 41 42
(6) A procedure for documenting any prohibited incident that is reported;	43 44
(7) A procedure for responding to and investigating any	45

reported incident;	46
(8) A strategy for protecting a victim or other person from new or additional harassment, intimidation, or bullying, and from retaliation following a report, including a means by which a person may report an incident anonymously;	47 48 49 50
(9) A disciplinary procedure for any student guilty of harassment, intimidation, or bullying, which shall not infringe on any student's rights under the first amendment to the Constitution of the United States;	51 52 53 54
(10) A statement prohibiting students from deliberately making false reports of harassment, intimidation, or bullying and a disciplinary procedure for any student responsible for deliberately making a false report of that nature;	55 56 57 58
(11) A requirement that the district administration semiannually provide the president of the district board a written summary of all reported incidents and post the summary on its web site, if the district has a web site, to the extent permitted by section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended.	59 60 61 62 63 64 65
(C) Each board's policy shall appear in any student handbooks, and in any of the publications that set forth the comprehensive rules, procedures, and standards of conduct for schools and students in the district. The policy and an explanation of the seriousness of bullying by electronic means shall be made available to students in the district and to their custodial parents or guardians. Information regarding the policy shall be incorporated into employee training materials.	66 67 68 69 70 71 72 73
(D) (1) To the extent that state or federal funds are	74

appropriated for this purpose, each board shall require that all
students enrolled in the district annually be provided with age-
appropriate instruction, as determined by the board, on the
board's policy, including a written or verbal discussion of the
consequences for violations of the policy.

(2) Each board shall require that once each school year a
written statement describing the policy and the consequences for
violations of the policy be sent to each student's custodial
parent or guardian. The statement may be sent with regular
student report cards or may be delivered electronically.

(E) A school district employee, student, or volunteer
shall be individually immune from liability in a civil action
for damages arising from reporting an incident in accordance
with a policy adopted pursuant to this section if that person
reports an incident of harassment, intimidation, or bullying
promptly in good faith and in compliance with the procedures as
specified in the policy.

(F) Except as provided in division (E) of this section,
nothing in this section prohibits a victim from seeking redress
under any other provision of the Revised Code or common law that
may apply.

(G) This section does not create a new cause of action or
a substantive legal right for any person.

(H) Each board shall update the policy adopted under this
section to include violence within a dating relationship and
harassment, intimidation, or bullying by electronic means.

Section 2. That existing section 3313.666 of the Revised
Code is hereby repealed.